

Senate Bill No. 228

CHAPTER 406

An act to add Section 42357.5 to the Public Resources Code, relating to plastic bags.

[Approved by Governor September 28, 2010. Filed with
Secretary of State September 28, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

SB 228, DeSaulnier. Plastic bags: compostable plastic bags.

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, prohibits a person from selling a plastic bag in this state that is labeled with the term "compostable" or "marine degradable" unless, at the time of sale, the plastic bag meets specified standards for those types of bags. The Guides for the Use of Environmental Marketing Claims, as developed by the Federal Trade Commission, provide the basis for voluntary compliance with Federal Trade Commission Act provisions regulating environmental advertising and marketing practices.

This bill would require, beginning July 1, 2011, a manufacturer of a compostable plastic bag meeting the specified standards to ensure that the compostable plastic bag is "readily and easily identifiable," as the bill would define that term, from other plastic bags, in a manner that is consistent with the Federal Trade Commission Guides for the Use of Environmental Marketing Claims. The bill would prohibit a compostable plastic bag sold or distributed in the state from displaying a chasing arrow resin identification code or recycling type of symbol in any form. A manufacturer would be required to comply with these requirements only to the extent that those labeling requirements do not conflict with the Federal Trade Commission Guides for the Use of Environmental Marketing Claims.

The people of the State of California do enact as follows:

SECTION 1. Section 42357.5 is added to the Public Resources Code, to read:

42357.5. (a) Beginning July 1, 2011, a manufacturer of a compostable plastic bag meeting an ASTM standard specification specified in paragraph (1) of subdivision (b) of Section 42356 or Section 42356.1 shall ensure that the compostable plastic bag is readily and easily identifiable from other plastic bags in a manner that is consistent with the Federal Trade Commission Guides for the Use of Environmental Marketing Claims (Part

260 (commencing with Section 260.1) of Subchapter B of Chapter I of Title 16 of the Code of Federal Regulations).

(b) For purposes of this section, “readily and easily identifiable” means labeling that meets both of the following requirements:

(1) Labeled with a certification logo indicating the bag meets the ASTM D6400 standard specification if the bag has been certified as meeting that standard by a recognized third-party independent verification.

(2) Labeled in accordance with one of the following:

(A) The bag is made of a uniform color of green and labeled with the word “compostable” on one side of the bag, and the label shall be at least one inch in height.

(B) Labeled with the word “compostable” on both sides of the bag and the label shall be one of the following:

(i) Green color lettering at least one inch in height.

(ii) Within a contrasting green color band of at least one inch in height on both sides of the bag with color contrasting lettering of at least one-half inch in height.

(c) Notwithstanding paragraph (2) of subdivision (b), if the bag is smaller than 14 inches by 14 inches, the lettering and stripe shall be in proportion to the size of the bag.

(d) A compostable plastic bag sold or distributed in the state shall not display a chasing arrow resin identification code or recycling type of symbol in any form.

(e) A manufacturer is required to comply with this section only to the extent that the labeling requirements of subdivisions (b), (c), and (d) do not conflict with the Federal Trade Commission Guides for the Use of Environmental Marketing Claims (Part 260 (commencing with Section 260.1) of Subchapter B of Chapter I of Title 16 of the Code of Federal Regulations).